

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket # FIC 2025-0585

Chairman, Planning and Zoning
Commission, Town of Norfolk; Planning
and Zoning Commission, Town of Norfolk;
and Town of Norfolk,

Respondents

June 24, 2026

The above-captioned matter was heard as a contested case on January 12, 2026, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

The respondents submitted a post-hearing brief dated and received by the Commission on January 30, 2026.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By complaint filed July 10, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by improperly permitting certain persons to attend two different executive sessions held during a regular meeting of the respondents on June 10, 2025.
3. Section 1-231(a), G.S., provides, in relevant part, that:

At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body **to present testimony or opinion** pertinent to matters before said body **provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion** and, provided further, that the **minutes of such executive session shall disclose all persons who are in attendance** except job applicants who attend for the purpose of

being interviewed by such agency.

(Emphasis added).

Standing

4. The respondents argued during the contested case hearing and in their post-hearing brief that the complainant was not denied any right under the FOI Act.

5. The respondents wrote that they “acknowledge that if an executive session is called for a statutorily unauthorized purpose, anyone who attended or sought to attend that meeting and was denied the right to do so may plausibly claim a denial of the right to attend. However, the Complainant in this case does not allege that she was excluded from the executive session; she claims only that other people should have been excluded. Even if that were true, that claim cannot in any reasonable manner be deemed to be a denial of Complainant’s rights.” The respondents’ argument is unavailing.

6. Section 1-206(b)(1), G.S., provides, in relevant part, that “any person wrongfully denied the right to attend any meeting of a public agency or denied any other right conferred by the [FOI] Act may appeal therefrom to the Freedom of Information Commission. . . .”

7. Under the FOI Act, a “person” is defined as “natural person, partnership, corporation, limited liability company, association or society.”

8. In Wilson v. Freedom of Info. Comm’n, 181 Conn. 324, 332 (1980), the Connecticut Supreme Court ruled that the FOI Act “expresses a strong legislative policy in favor of the open conduct of government and free public access to government records.” See also Chief of Police v. Freedom of Info. Comm’n, 252 Conn. 377, 387 (2000) (The FOI Act vindicates the public’s right to know, rather than the rights of an individual).

9. The Connecticut Supreme Court has long recognized that the legislature expressed a “general commitment to open governmental proceedings. The overarching legislative policy of the [FOI Act] is one that favors the open conduct of government . . . The sponsors of the FOIA understood the legislation to express the people’s sovereignty over the agencies which serve them . . . and this court consistently has interpreted that expression to require diligent protection of the public’s right to access to agency proceedings. Our construction of the [FOI Act] must be guided by the policy favoring disclosure. . . the statutory definition of public meetings contained in §1-225(a), G.S.,] must be read to limit rather than expand the opportunities for public agencies to hold closed hearings. . .” Glastonbury Educ. Ass’n v. Freedom of Info. Comm’n, 234 Conn. 704, 712 (1995).

10. Accordingly, there is nothing in the FOI Act that precludes a member of the public, such as the complainant in this case, from filing a complaint with the Commission based on the allegations described in paragraph 2, above.

First Executive Session

11. At the contested case hearing on this matter, the complainant contended that the respondents impermissibly allowed certain persons to attend the entire first executive session held on June 10, 2025.

12. It is found that the respondents' first executive session held during the June 10, 2025 meeting, started at 6:38 p.m., and the following people were invited into the executive session: the first selectman, the zoning enforcement officer, the recording secretary, and the town attorney (the "first invitees") and that they were present during the entire first executive session. It is also found that the first executive session ended at 7:11 p.m.

13. The respondents testified, and it is found, that the zoning enforcement officer, recording secretary and town attorney provided testimony or opinion. The respondents testified, and it is found, that they could not recall if the first selectman provided any testimony or opinion.

14. The respondents also testified, and it is found, that they had the first invitees present for the entire first executive session in the event that their testimony or opinion was needed.

15. It is found that the First Selectman is an ex officio member of the respondent Commission, and therefore, it is concluded that his attendance at the first executive session did not violate §1-231(a), G.S.

16. It is found that with respect to the remaining invitees to the first executive session, their attendance was not limited to the period of time for which their presence was necessary to present testimony or opinion within the meaning of §1-231(a), G.S. It is therefore concluded that the respondents violated the provisions of §1-231(a), G.S., with respect to the remaining invitees to such executive session.

Second Executive Session

17. As to the second executive session held on June 10, 2025, the complainant contended that the respondents impermissibly allowed certain persons to attend the entire second executive session held on June 10, 2025.

18. It is found that the respondents' second executive session held during the June 10, 2025 meeting started at 8:05 p.m., and the following people were invited into the executive session: the first selectman, the zoning enforcement officer and the recording secretary (the "second invitees") and were present during the entire second executive session. It is also found that the second executive session ended at 8:38 p.m.

19. The respondents testified, and it is found, that the zoning enforcement officer provided testimony or opinion but could not recall the duration. The respondents also testified, and it is found, that they could not recall if the recording secretary or first selectman testified or offered opinion at all during the second executive session.

20. The respondents also testified, and it is found, that they had the second invitees present for the duration of the second executive session in the event that their testimony or opinion was needed.

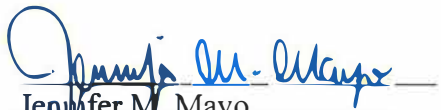
21. As already found in paragraph 15, above, the First Selectman is an ex officio member of the respondent Commission. It is concluded, therefore, that his attendance at the second executive session did not violate §1-231(a), G.S.

22. It is found that with respect to the remaining invitees to the second executive session, their attendance was not limited to the period of time for which their presence was necessary to present testimony or opinion within the meaning of §1-231(a), G.S. It is therefore concluded that the respondents violated the provisions of §1-231(a), G.S., with respect to the remaining invitees to such executive session.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint.

1. Henceforth, the respondents shall strictly comply with the requirements of §1-231(a), G.S., by limiting the attendance of individuals providing testimony or opinion in an executive session to the time period necessary for presenting the same.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 24, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

NANCY GRISWOLD, 24 Atwood Road, Thomaston, CT 06787

**CHAIRMAN, PLANNING AND ZONING COMMISSION, TOWN OF NORFOLK;
PLANNING AND ZONING COMMISSION, TOWN OF NORFOLK; AND TOWN OF
NORFOLK**, c/o Attorney Michael A. Zizka, Halloran & Sage, LLP, 225 Asylum Street,
Hartford, CT 06103


Jennifer M. Mayo
Acting Clerk of the Commission